

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION - DAYTON**

BRYAN A. MOBLEY,	:	CASE NO. 13-102
Plaintiff,	:	Judge _____
v.	:	
MIAMI VALLEY HOSPITAL, INC.,	:	<b>NOTICE OF REMOVAL BY</b>
Defendant.	:	<b><u>DEFENDANT</u></b>

The Defendant, Miami Valley Hospital, by and through counsel, hereby gives notice of removal pursuant to 29 U.S.C. § 2001, et seq., of Case No. 2013 CV 01786, captioned Bryan A. Mobley v. Miami Valley Hospital, Inc. from the Common Pleas Court of Montgomery County, Ohio. Removal is being made to the United States District Court for the Southern District of Ohio, Western Division at Dayton, for the reasons stated in the Memorandum below.

Respectfully submitted,

/s/ Karen T. Dunlevey  
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Attorneys for Defendant

**MEMORANDUM**

On March 20, 2013, the Plaintiff Bryan A. Mobley filed a Complaint in the Common Pleas Court of Montgomery County, Ohio, alleging, *inter alia*, violations of the Family and Medical Leave Act, 29 U.S.C. §2611, et seq. (öFMLAö) and the Americans with Disabilities Act, 42 U.S.C. §12101 (et seq.) (öADAö). Pursuant to 28 U.S.C. §1331, 29 U.S.C. §2617(a)(2), and 42 U.S.C. §2000e-5(f)(3), this Court has original jurisdiction over the Plaintiff's FMLA and ADA claims. Pursuant to 28 U.S.C. §1441(b), öAny civil action of which the district courts have original jurisdiction founded on a claim of right arising under the Constitution, treaties or laws of the United States shall be removable without regard to citizenship or residence of the parties.ö Such removal may be initiated within 30 days of receipt of a copy of the initial pleading in the case. 28 U.S.C. §1446(b). Defendant first received a copy of the Complaint on March 27, 2013. Thus, removal is timely.

For the foregoing reasons, removal of this case from the Common Pleas Court of Montgomery County, Ohio, to the United States District Court for the Southern District of Ohio, Western Division at Dayton, is proper. Pursuant to 28 U.S.C. §1446(a), copies of all process, pleadings, and orders served upon the Defendant are attached hereto as Exhibit A. A Notice of this removal shall be properly filed in the Montgomery County Court of Common Pleas.

Respectfully submitted,

/s/ Karen T. Dunlevey

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Notice of Removal by Defendant will be filed with the Court on this 4th day of April, 2013, and will be served via electronic mail upon the following:

Adam R. Webber, Esq.  
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By /s/ Karen T. Dunlevey

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